

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

I.E.C. on her own behalf and
by and through her Parent and
Natural Guardian, J.R.,

Plaintiffs,

v.

ORDER

Civil File No. 12-2997 (MJD/LIB)

MINNEAPOLIS PUBLIC SCHOOLS, SSD NO. 1,
MINNESOTA DEPARTMENT OF EDUCATION,
BRENDA CASSELLIUS,

Defendants.

Margaret O'Sullivan Kane, Kane Education Law, LLC, Counsel for Plaintiffs.

Laura Tubbs Booth, Booth & Lavorato LLC, Counsel for Defendant Minneapolis
Public Schools SSD No. 1.

Martha J. Casserly, Minnesota Attorney General's Office, Counsel for Defendants
Minnesota Department of Education and Brenda Cassellius.

The above-entitled matter comes before the Court upon the Report and
Recommendation of United States Magistrate Judge Leo I. Brisbois dated June 24,
2013. [Docket No. 46] Plaintiffs I.E.C. and J.R. filed objections to the Report and
Recommendation. [Docket No. 47] Defendants Minnesota Department of

Education and Brenda Cassellius responded to Plaintiffs' objections. [Docket No. 48] Defendant Minneapolis Public Schools did not respond.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Brisbois filed June 24, 2013.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Brisbois dated June 24, 2013 [Docket No. 46].
2. Plaintiffs' motion for a declaratory judgment [Docket No. 27] is **DENIED** without prejudice.
3. Defendants Minnesota Department of Education and Commissioner Brenda Cassellius' motion to dismiss [Docket No. 11] is **GRANTED** with prejudice.

Dated: August 26, 2013

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court